

Message Text

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ORIGIN EB-07

INFO OCT-01 EA-07 ISO-00 L-03 OES-06 FMC-01 SIL-01 LAB-04
COME-00 DOTE-00 FTC-01 CIAE-00 INR-07 NSAE-00 SP-02
/040 R

DRAFTED BY EB/TCA/MA:CTAYLOR,JR./L/EB:JRCROOK:EW

APPROVED BY EB/TCA/MA:RKBANK

L/OES - MR. COLSON

INR/RGE - DR. HODGSON

EA/J - MR. SMITH

FMC - MR. CHRISTENSEN

----- 043499

R 081433Z DEC 76

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

LIMITED OFFICIAL USE STATE 298278

E.O. 11652:N/A

TAGS: EWWT, JA

SUBJECT:SHIPPING DISCRIMINATION: COMPULSORY PILOTAGE
SCHEME FOR TOKYO BAY

REF: TOKYO 17654

1. APPRECIATE EMBASSY'S EFFORTS TO ALERT MOT AND MOFA TO PROBLEMS CREATED BY COMPULSORY PILOTAGE SCHEME.
2. IN DISCUSSIONS WITH MOFA, EMBASSY MAY WISH TO POINT OUT THAT DISCRIMINATORY ASPECT OF COMPULSORY PILOTAGE SCHEME MAY RAISE SERIOUS QUESTIONS UNDER 1953 TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN U.S. AND JAPAN.
3. ARTICLE XIX(3) OF THAT TREATY STATES THAT "VESSELS OF EITHER PARTY. . . SHALL IN ALL RESPECTS BE ACCORDED NATIONAL TREATMENT AND MOST FAVORED NATION TREATMENT WITHIN THE PORTS, PLACES AND WATERS OF SUCH OTHER PARTY."

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USG FINDS IT DIFFICULT TO RECONCILE EXEMPTION OF ONLY

CERTAIN JAPANESE-FLAG OR CHARTERED VESSELS FROM PILOTAGE
REQUIREMENT WITH GOJ OBLIGATION TO ASSURE NATIONAL AND MFN
TREATMENT TO U.S. VESSELS WITHIN ITS PORTS, PLACES OR
WATERS.

4. FYI: DEPARTMENTAL GEOGRAPHER CHECKING TO DETERMINE
SEAWARD EXTENT OF GOJ CLAIM TO INTERNAL WATERS IN AREA
OF URAGA STRAITS, AND WHETHER U.S. HAS ACCEPTED FULL
EXTENT OF JAPANESE CLAIM. HOWEVER, USG RECOGNIZES THAT
TOKYO BAY IS JAPANESE INTERNAL WATERS. FCN TREATY
OBLIGATION RELATING TO "PORTS, PLACES AND WATERS"
THEREFORE CLEARLY EXTENDS TO GOJ ACTIONS REGARDING
PILOTAGE IN TOKYO BAY. END FYI.
ROBINSON

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Decaption Date: 01 JAN 1960
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Disposition Case Number: n/a
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Disposition Remarks:
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Margaret P. Grafeld
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TAGS: EWWT, JA
To: TOKYO
Type: TE
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